

Appl. No. 10/086,689
Amendment filed November 10, 2004
Response to Final Rejection of June 10, 2004

H-1032

REMARKS/ARGUMENTS

Claims 1-10, 17 and 19-31 remain pending in the this application. Claims 1, 17, 19, 22, and 27 have been amended. Claims 11-16 and 18 have been withdrawn.

Priority

Applicants appreciate the Examiner's acknowledgment of the claim for priority and safe receipt of the priority document.

35 U.S.C. §102

Claims 1-10, 17 and 19-31 stand rejected under 35 USC 102(b) as being anticipated by Nakajima et al (U.S. Patent No. 5,204,276). This rejection is traversed as follows.

In response to Applicants' argument that the present invention does not require a second oxidation treatment to fill the aperture, the Examiner responds that these process steps are not precluded by the claims. Therefore, the claims have been amended to specifically state that the aperture (opening) is filled without performing a second oxidation treatment. The Remarks filed on March 25, 2004 are hereby incorporated by reference. As such, it is submitted that the

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pending claims patentably define the present invention over
the cited art.

Conclusion

In view of the foregoing, Applicant respectfully requests
that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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